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Attorneys for Defendants
RIMINI STREET, INC. and SETH RAVIN

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;)
ORACLE AMERICA, INC., a Delaware)
corporation; and ORACLE INTERNATIONAL)
CORPORATION, a California corporation,)

Plaintiffs,

vs.

RIMINI STREET, INC., a Nevada corporation;)
SETH RAVIN, an individual,)

Defendants.)

Case No. 2:10-cv-0106-LRH-PAL

**RIMINI STREET'S MOTION TO SEAL
PORTIONS OF ITS OPPOSITION TO
ORACLE'S SECOND MOTION FOR
PARTIAL SUMMARY JUDGMENT AND
CERTAIN SUPPORTING DOCUMENTS**

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 21, 2010, Dkt. 55 (“Protective Order”), and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Defendant Rimini Street Inc. (“Rimini”) respectfully requests that the Court order the Clerk of the Court to file under seal certain portions of Rimini’s Opposition to Oracle’s Second Motion for Partial Summary Judgment and supporting documents. These portions of Rimini’s Opposition reflect information that Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corp. (collectively, “Oracle”) and Rimini have designated “Confidential” or “Highly Confidential—Attorneys’ Eyes Only” under the Protective Order.

The Protective Order states, “Counsel for any Designating Party may designate any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information—Attorneys’ Eyes Only’ under the terms of this Protective Order only if such counsel in good faith believes that such Discovery Material contains such information and is subject to protection under Federal Rule of Civil Procedure 26(c). The designation by any Designating Party of any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information—Attorneys’ Eyes Only’ shall constitute a representation that an attorney for the Designating Party reasonably believes there is a valid basis for such designation.” Protective Order ¶ 2.

I. CONFIDENTIAL MATERIAL DESIGNATED BY RIMINI.

Rimini has designated Exhibits 5–6, 8–9 and 12–13 as Confidential or Highly Confidential—Attorneys’ Eyes Only.¹ Rimini requests that the Court order the Clerk of the Court to file those exhibits under seal, as well as certain portions of Rimini’s Opposition to Oracle’s Motion for Partial Summary Judgment, and Rimini’s Statement of Facts in Support of its Opposition to Oracle’s Second Motion for Partial Summary Judgment, each of which reflect confidential information contained in those exhibits. Unredacted versions of these documents were individually lodged under seal with the Court on October 9, 2012.

¹ All Exhibits referred to in this motion are attached to the Appendix of Exhibits Cited in Support of Rimini’s Opposition to Oracle’s Second Motion for Partial Summary Judgment.

Documents may not be sealed in connection with a dispositive motion absent a “compelling reason.” *Selling Source, LLC v. Red River Ventures, LLC*, 2:09-CV-01491-JCM, 2011 WL 1630338, at *4 (D. Nev. Apr. 29, 2011) (citing *Pintos v. Pac. Creditors Ass’n*, 565 F.3d 1106, 1115 n. 4 (9th Cir. 2009)). Exhibits 5–6, 8–9 and 12–13 are excerpts from depositions and related exhibits that have been designated as “Highly Confidential,” which reflects, in Rimini’s best judgment, that the testimony and documents contain “extremely sensitive, highly confidential, non-public information, consisting either of trade secrets or other highly confidential documents related to current or future business plans, protocols or strategies, the disclosure of which . . . would be likely to cause competitive or business injury to the Designating Parties (other than injury to Designating Parties position in this Action).” Protective Order ¶ 4. In particular, the deposition testimony and exhibits contain confidential information regarding Rimini’s proprietary business practices and procedures. Rimini has made a significant investment in its confidential proprietary business practices and procedure, and disclosure of the testimony and documents could reduce the value of Rimini’s investments. Thus, there is a compelling interest for those documents to be sealed. *Selling Source*, 2011 WL 1630338 at *6 (“Where the material includes information about . . . agreements with clients, there are compelling reasons to seal the material because possible infringement of trade secrets outweighs the general public interest in understanding the judicial process.”).

II. CONFIDENTIAL MATERIAL DESIGNATED BY ORACLE

Oracle has designated the following documents cited or referred to in Rimini’s Opposition as Confidential or Highly Confidential—Attorneys’ Eyes Only:

Ex.	Description
1.	ORCLRS1313013-46 (Oracle Database Software License Agreement)
2.	ORCLRS1313047-75 (Oracle Database Software License Agreement)
3.	ORCLRS1312961-87 (Oracle Database Software License Agreement)
4.	ORCLRS1312992-1313000 (Oracle Database Software License Agreement)

10.	ORCLRS0291237-38 (Internal Oracle email)
11.	Expert Report of Randall Davis, amended on May 28, 2012
15.	Plaintiff Oracle USA, Inc., Oracle America, Inc. and Oracle International Corporation's [Corrected] Supplemental and Amended Responses to Defendant Rimini Street Inc.'s First Set of Interrogatories (No. 1-12)

Rimini submits these documents under seal pursuant to the Protective Order based on Oracle's representations that there is a valid basis under the Protective Order for the confidentiality designations.

Rimini has submitted all other exhibits to the Appendix to the Court's public files, which would allow public access to all exhibits except for the items listed above. Accordingly, the request to seal is narrowly tailored. For the foregoing reasons, Rimini respectfully requests that the Court find there is a compelling interest in filing the documents discussed above under seal.

DATED: October 9, 2012

SHOOK HARDY & BACON LLP

/s/ Robert H. Reckers
Robert H. Reckers, Esq.

Attorneys for Defendants
Rimini Street Inc. and Seth Ravin

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of October, 2012, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, District of Nevada, using the electronic case filing system. The electronic case filing system sent a “Notice of Electronic Filing” to all attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

By: /s/ Robert H. Reckers